

MILITARY ROAD FROM ASTORIA TO SALEM, OREGON.

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LETTER

FROM

THE SECRETARY OF WAR,

RELATIVE TO

*The military road from Astoria to Salem, Oregon.*

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JANUARY 5, 1876.—Referred to the Committee on Military Affairs and ordered to be printed.

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The Secretary of War has the honor to transmit to the House of Representatives copy of the correspondence concerning the military road from Astoria to Salem, in Oregon, and as the road is no longer needed for military purposes, the recommendations of the commanding general, Department of the Columbia, and of the governor of the State of Oregon, are concurred in, that the road be surrendered to the counties through which the same is located, and legislation authorizing the transfer is respectfully requested.

WM. W. BELKNAP,  
*Secretary of War.*

WAR DEPARTMENT, *December 20, 1875.*

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ASTORIA, OREGON, *December 10, 1874.*

SIR: I am directed by the county court of Clatsop County, State of Oregon, to respectfully inquire of you the status of the military road, constructed about twenty years ago, from Astoria to Salem, by the War Department. This road has, ever since its construction, been used by the settlers as a public road, and the county of Clatsop, through which it runs for a distance of about forty miles, has caused public money and labor applicable to public roads to be expended upon it so as to keep it in a passable condition, regarding it as a public road. Of late, parties owning lands through which it runs have claimed, and are now exercising, the right of fencing the road so as to prevent travel thereon. I would, therefore, respectfully ask if the Department, or Government, has relinquished its jurisdiction or proprietorship over said road.

Yours, respectfully,

R. R. SPEDDEN,  
*County Clerk Clatsop County.*

Hon. SECRETARY OF WAR,  
*Washington, D. C.*

[Indorsement.]

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 2, 1875.*

Respectfully referred to the Chief of Engineers for remark.

E. D. TOWNSEND,  
*Adjutant-General.*

OFFICE CHIEF OF ENGINEERS,  
*Washington, January 7, 1875.*

Respectfully returned to the Adjutant-General United States Army.  
There is no information in this Office that the military road has ever been relinquished by the War Department, and it is believed that the fencing off of said road is illegal.

A. A. HUMPHREYS,  
*Brigadier-General and Chief of Engineers.*

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 11, 1875.*

Respectfully returned to the Secretary of War, with report from the Engineer Department.

E. D. TOWNSEND,  
*Adjutant-General.*

WAR DEPARTMENT, *January 13, 1875.*

Respectfully returned to the Adjutant-General to refer to General Howard for report.

By order of the Secretary of War:

H. T. CROSBY,  
*Chief Clerk.*

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, January 16, 1875.*

Respectfully referred to the commanding general Department of the Columbia for report.

To be returned.

By order of the Secretary of War:

E. D. TOWNSEND,  
*Adjutant-General.*

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,  
*Portland, Oreg., February 18, 1875.*

Respectfully referred to Maj. N. Michler, Corps of Engineers, for remarks:

By command of Brigadier-General Howard,

H. CLAY WOOD,  
*Assistant Adjutant-General.*



UNITED STATES ENGINEER OFFICE,  
*Portland, Oreg., March 1, 1875.*

Respectfully returned to the commanding general Department of the Columbia.

The required information is not to be obtained from files of this office. It has been sought after from prominent citizens, among others Hon. Matthew P. Deady, judge United States district and circuit courts. The latter states that the road has not been relinquished by the United States Government. It is still styled the "military road." From reports made by those who passed over it during the late river ice-blockade, it must be almost impassable for pedestrians, and most undoubtedly so for wagons. It is useless for Government purposes. Should a road be required, it is said that a better location can be selected, and less money expended in building it than in any effort to improve the present one so as to render it a practicable route. A note was addressed to the surveyor-general of Oregon for information, but no reply has as yet been received.

N. MICHLER,  
*Major of Engineers.*

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,  
*Portland, Oreg., March 1, 1875.*

Respectfully referred to the surveyor-general State of Oregon, Eugene City, Oreg., for remarks.

Nothing is on record at these headquarters about this road.

H. CLAY WOOD,  
*Assistant Adjutant-General.*

UNITED STATES SURVEYOR-GENERAL'S OFFICE,  
*Eugene City, Oreg., March 6, 1875.*

Respectfully returned to the assistant adjutant-general, Department Columbia.

Nothing on file in this office in regard to this road.

BEN. SIMPSON,  
*Surveyor-General of Oregon.*

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,  
*Portland, Oreg., March 18, 1875.*

Respectfully returned to the Adjutant General of the Army, inviting attention to the indorsement \* \* of Maj. N. Michler, Corps of Engineers. The previous indorsement contain all the information that can be procured in relation to this matter.

O. O. HOWARD,  
*Brigadier-General, Commanding.*

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, April 2, 1875.*

Respectfully returned to the Secretary of War, with reports from the Department of the Columbia.

E. D. TOWNSEND,  
*Adjutant-General.*

WAR DEPARTMENT, *April 8, 1875.*

Respectfully referred to the Chief of Engineers for information when this military road was constructed, and how the land was acquired.

What has been the custom as to relinquishing control over military roads when no longer required for military purposes?

By order of the Secretary of War:

H. T. CROSBY,  
*Chief Clerk.*

OFFICE OF THE CHIEF OF ENGINEERS,  
*Washington, April 14, 1875.*

Respectfully returned to the Hon. Secretary of War.

The following are the acts of Congress making appropriations for the construction and completion of a military road from Astoria to Salem, in Oregon Territory:

Act approved February 17, 1855, (construction) .....	\$30, 000
Act approved March 2, 1857, (completion).....	10, 000
Act approved June 14, 1858, (completion) .....	30, 000

The road was surveyed by an officer of Topographical Engineers, in 1855, and its construction was completed in 1860.

It is inferred, from the acts cited, that the road runs in its entire length, of about one hundred and twenty miles, through United States lands.

No precedents can be found in this Office to show what has been the custom as to relinquishing the control over military roads when no longer required for military purposes; but it is supposed that such relinquishments cannot be lawfully made by any authority short of an act of Congress.

A. A. HUMPHREYS,  
*Brigadier-General and Chief of Engineers.*

DEPARTMENT OF JUSTICE,  
*Washington, D. C., May 13, 1875.*

SIR: I have considered the subject of your communication of the 5th instant, in relation to the military road from Astoria to Salem, in Oregon. This road was surveyed and the construction thereof commenced in 1855, while Oregon was still a Territory, and was not completed until 1860, after the admission of Oregon as a State. The work was done under the direction of the Secretary of War, pursuant to the acts of Congress of February 17, 1855, March 2, 1857, and June 14, 1858. (10 Stats., 608; 11 Stat., 163, 337.)

You state that the engineer officer at Portland, Oreg., reports the road no longer needed for military purposes, and you request to be informed "in what legal manner the control of the War Department over the same can be relinquished."

It is clearly an appropriate function of your Department to determine how far the road may be needed for military purposes, and to use or disuse it accordingly. But, except by the mere disuse or abandonment of the road for those purposes, I know of no mode in which the control of the Department over it can be relinquished. To vacate it entirely,



would, perhaps, require the sanction of Congress; but such sanction is not necessary to the abandonment of its use for the time.

I have the honor to be, very respectfully,

GEO. H. WILLIAMS,  
*Attorney-General.*

Hon. W. W. BELKNAP,  
*Secretary of War.*

[Indorsements.]

WAR DEPARTMENT,  
*May 15, 1875.*

Respectfully referred to the Adjutant-General for his information, and if the road is no longer needed for military purposes, a report to that effect to be made, in order that Congress may be requested to authorize its relinquishment.

By order of the Secretary of War:

H. T. CROSBY,  
*Chief Clerk.*

WAR DEPARTMENT,  
ADJUTANT-GENERAL'S OFFICE,  
*Washington, May 19, 1875.*

Respectfully referred to the Chief of Engineers, inviting attention to instructions of the Secretary of War indorsed hereon; and with request that this paper be returned to this Office, together with previous paper sent from War Department to Engineer Bureau, May 10, 1875.

E. D. TOWNSEND,  
*Adjutant-General.*

OFFICE OF THE CHIEF OF ENGINEERS,  
*Washington, June 5, 1875.*

Respectfully returned to the Adjutant-General, with the previous papers referred to, and concurrence in the report of Major Michler of 12th April, 1875, herewith, that "the road is useless for Government purposes."

A. A. HUMPHREYS,  
*Brigadier-General and Chief of Engineers.*

Inlosures to preceding indorsements:

OFFICE OF THE UNITED STATES SURVEYOR-GENERAL,  
*Eugene City, Oreg., March 6, 1875.*

SIR: I have the honor to acknowledge the receipt of your communication of the 20th ultimo, desiring information in relation to the United States military road between Astoria and Salem, in this State. In reply, I have to state that the records of this office furnish no information whatever concerning the road in question.

I am, sir, very respectfully, your obedient servant,

BEN. SIMPSON,  
*Surveyor-General.*

Maj. N. MICHLER,  
*United States Engineers, Portland, Oreg.*

UNITED STATES ENGINEER OFFICE,  
Portland, Oreg., March 9, 1875.

SIR: In addition to the indorsement of this office, dated March 1, on communication referred by the commanding general of the Department of the Columbia, respecting the military road between Astoria and Salem, I have the honor to inclose herewith copy of a letter of the surveyor-general of Oregon, of the 6th instant, on the same subject.

Very respectfully, your obdt. servant,

N. MICHLER,  
Major of Engineers.

Brig. Gen. A. A. HUMPEREYS,  
Chief of Engineers, U. S. A., Washington, D. C.

UNITED STATES ENGINEER OFFICE,  
Portland, Oreg., April 12, 1875.

SIR: In reply to Department letter of the 27th ultimo, I have the honor to state that the communication referred to in my letter of March 9, was that of the county clerk of Clatsop County, Oregon, addressed to the Secretary of War, relative to a military road between Astoria and Salem. This communication was referred by the War Department to the Chief of Engineers for information, and subsequently to the commanding general Department of the Columbia. It was then referred by the latter officer to this office, and returned with the following indorsement:

Respectfully returned to the commanding general Department of the Columbia.

The required information is not to be obtained from the files of this office. It has been sought after from prominent citizens; among others, Hon. Matthew P. Deady, Judge United States district and circuit courts. The latter states that the road has not been relinquished by the United States Government. It is still styled the "Military Road." From reports made by those who passed over it during the late river ice-blockade, it must be almost impassable for pedestrians, and most undoubtedly so for wagons. It is useless for Government purposes. Should a road be required, it is said that a better location can be selected, and less money expended in building it than in any effort to improve the present one, so as to render it a practicable route. A note was addressed to the surveyor-general of Oregon for information, but no reply has as yet been received.

Very respectfully, your obedient servant,

N. MICHLER,  
Major of Engineers.

Brig. Gen. A. A. HUMPHREYS,  
Chief of Engineers, U. S. A., Washington, D. C.

Indorsements continued:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, June 8, 1875.

Respectfully referred, through headquarters of the Army, to the commanding general Military Division of the Pacific, for his information; also, for report and recommendation as to the propriety of relinquishing military control over the road in question.

To be returned.

By order of the Secretary of War:

E. D. TOWNSEND,  
Adjutant-General.



HEADQUARTERS MILITARY DIVISION PACIFIC,  
*San Francisco, June 19, 1875.*

Respectfully referred to the commanding officer, Department of the Columbia, for report and recommendation as to the propriety of relinquishing military control over the roads surveyed and constructed by the Government in the years 1855-'60, between Astoria and Salem, Oregon.

By order of Major-General Schofield:

J. C. KELTON,  
*Lieutenant-Colonel, A. A. Genl.*

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,  
*Portland, Oreg., June 28, 1875.*

Respectfully referred to his excellency L. F. Grover, governor of Oregon, for perusal of these papers, and to please return them with any recommendation that may suggest itself to him.

O. O. HOWARD,  
*Brigadier-General, Commanding.*

STATE OF OREGON, EXECUTIVE OFFICE,  
*Salem, July 10, 1875.*

Respectfully returned to the commanding general of Department of the Columbia, concurring in the opinion that an act of Congress will be required to vacate a military road of the United States; and in case the proper authorities deem a military road from Astoria to Salem no longer necessary, I suggest that the act of Congress, instead of vacating, be so framed as to surrender this road to the counties through which the same is located, to wit: Clatsop, Washington, Yam Hill, and Polk, so that those counties may severally adopt and continue as county roads such portions of the same as may be deemed expedient, and vacate such portions as are deemed of no public importance.

L. F. GROVER,  
*Governor of Oregon.*

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,  
*Portland, Oreg., July 27, 1875.*

Respectfully returned to the assistant adjutant-general, division headquarters.

The military road from Astoria to Salem, Oreg., is no longer needed for military purposes, and the relinquishing military control over said road is recommended. I concur with Governor Grover in the suggestion that the road be surrendered to the counties through which the same is located.

O. O. HOWARD,  
*Brigadier-General, Commanding.*

HEADQUARTERS MILITARY DIVISION PACIFIC,  
*San Francisco, August 2, 1875.*

Respectfully returned to the Adjutant-General, (through headquarters of the Army,) recommending that the suggestion of the governor of Oregon be adopted.

J. M. SCHOFIELD,  
*Major-General.*

HEADQUARTERS OF THE ARMY,  
*Saint Louis, August 10, 1875.*

Respectfully returned to the Adjutant-General.

By command of General Sherman :

JNO. M. BACON,  
*Colonel and A. D. C.*

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
*November 22, 1875.*

Official copies.

E. D. TOWNSEND,  
*Adjutant-General.*

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